



January 6, 2006

HOUSE BILL No. 1114

DIGEST OF HB 1114 (Updated January 5, 2006 1:19 pm - DI 84)

Citations Affected: IC 32-21; IC 36-2.

Synopsis: Various property matters. Specifies the language sufficient to incorporate by reference a recorded covenant, restriction, easement, or other encumbrance in a conveyance of land. Provides that an adverse possessor or claimant who wishes to establish title to land or real estate must pay the taxes and special assessments that the adverse possessor or claimant reasonably believes in good faith to be due on the land or real estate. (Current law requires the adverse possessor or claimant to pay the taxes and special assessments due on the land or real estate.) Reduces the standard for the redaction of Social Security numbers in recorded documents from "to the extent possible" to "to the extent practicable". Adds a culpability standard for the Class A infraction that may be committed when recorded documents containing Social Security numbers are disclosed by the county recorder's office. Repeals the duty of an individual preparing a document for recording to affirm under perjury that the individual has reviewed the document and redacted each Social Security number in the document. Repeals the prohibition on accepting a document for recording that does not have the affirmation. Repeals the recording fee imposed under the law concerning recording documents containing Social Security numbers. Repeals the county identification security protection fund.

Effective: Upon passage; January 1, 2006 (retroactive).

Foley

January 4, 2006, read first time and referred to Committee on Judiciary.
January 5, 2006, reported — Do Pass.

HB 1114—LS 6778/DI 92+



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January 6, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1114

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-1-17 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 17. A conveyance of land may incorporate**
4 **by reference a recorded covenant, restriction, easement, or other**
5 **encumbrance on the use of the land with a clause that is**
6 **substantially similar to any of the following:**

7 (1) "Subject to the _____ (insert the type of
8 encumbrance) recorded on _____ (insert the date of
9 recording) in _____ (insert the book and page number
10 on which the encumbrance is recorded or the instrument
11 number in which the encumbrance is recorded).".

12 (2) "Subject to _____ (insert the type of encumbrance)
13 of record.".

14 SECTION 2. IC 32-21-7-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
16 Sec. 1. In any suit to establish title to land or real estate, possession of
17 the land or real estate is not adverse to the owner in a manner as to

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1 establish title or rights in and to the land or real estate unless the
 2 adverse possessor or claimant pays and discharges all taxes and special
 3 assessments **that the adverse possessor or claimant reasonably**
 4 **believes in good faith to be** due on the land or real estate during the
 5 period the adverse possessor or claimant claims to have possessed the
 6 land or real estate adversely. However, this section does not relieve any
 7 adverse possessor or claimant from proving all the elements of title by
 8 adverse possession required by law.

9 SECTION 3. IC 36-2-7.5-8, AS ADDED BY P.L.91-2005,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) This section
 12 applies after December 31, 2007.

13 (b) To the extent ~~possible~~; **practicable**, a county recorder may not
 14 disclose a recorded document for public inspection under IC 5-14-3
 15 until the county recorder has:

16 (1) searched the document for a Social Security number; and

17 (2) to the extent ~~possible~~; **practicable**, redacted any Social
 18 Security numbers contained in the document;

19 using redacting technology.

20 SECTION 4. IC 36-2-7.5-12, AS ADDED BY P.L.91-2005,
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) This section
 23 applies after June 30, 2008.

24 (b) A county recorder or an employee of a county recorder who
 25 **knowingly, intentionally, or recklessly** discloses a recorded document
 26 that contains a Social Security number without having the document
 27 searched, to the extent technologically ~~possible~~; **practicable**, using
 28 redacting technology commits a Class A infraction.

29 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
 30 JANUARY 1, 2006 (RETROACTIVE)]: IC 36-2-7.5-5; IC 36-2-7.5-6;
 31 IC 36-2-7.5-11.

32 SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FOLEY, Chair

Committee Vote: yeas 11, nays 0.

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